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DEC 14 2006

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REMARKS

Claims 24-26 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 14-15 and 24-25 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Oliver '029. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

First considering the present invention as recited in amended claims 14 and 24, it will be noted that claims 14 and 24 are amended by incorporating the recitations and limitations of claims 15 and 25, respectively, and the corresponding cancellation of claims 15 and 25. It should also be noted that the Applicant amended claim 26 to depend from amended claim 24 and to thereby incorporate all of the recitations and limitations of amended claim 24.

The present invention as recited in amended claims 14 and 24, and thereby in the dependent claims, is directed to a roller device 10 for displacing a load 1 in a horizontal plane wherein the roller device includes a horizontal table 21 supporting roller elements 23, 24 that, in turn, support a rack 31 upon which the load rests. The rack 31 includes a plurality of openings 32, 33 that correspond to and have shapes that are compatible and cooperative with the shapes of the roller elements 23, 24 so as to cause the rack 31 to be vertically displaced relative to the table 21 upon horizontal movement of the rack 31 relative to the table 31. The rack 31 thereby supports the load 1 when the rack 31 is stationary and the burden of supporting the load 1 is transferred to the roller elements 32, 24 and table 21 when the rack 31 is moved horizontally.

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Turning now to the prior art cited by the Examiner in rejecting the claims, Oliver '029 describes a retractable conveyor roller assembly wherein rollers are rotatably mounted along horizontally moveable drawbars that are mounted below a supporting surface. When the drawbars are moved horizontally by, for example, a hydraulic cylinder, each roller is drawn into contact with a corresponding inclined plane located on the lower side of the supporting surface and is raised so that the upper surface of the roller extends above the supporting surface, thereby providing a conveyor comprised of a series of rollers on the supporting surface.

It is therefore apparent that there are a number of fundamental distinctions between the present invention, as recited in amended claims 14 and 24, and the Oliver '029 conveyor, and that claims 14 and 24 are amended to further emphasize those distinctions. For example, the Oliver '029 conveyor provides a roller conveyor by mechanically raising a series of rollers relative to a supporting surface to form a conveyor surface of rollers above the supporting surface so that the load is directly supported on and moved along the rollers. In contrast, the mechanism of the present invention, as recited in claims 14 and 24, includes a rack that is raised upon and supported by a plurality of fixed roller elements and the rack, rather than the rollers, supports the load and moves along the roller elements. Stated another way, the mechanism of the present invention employs fixed rollers and raises the table, that is, a load supporting surface which is horizontally movable on the rollers, while the Oliver '029 conveyor raises the rollers so that the load is supported and moved directly on the rollers. It is, therefore, apparent that the fundamental structures and operation of the present invention and the Oliver '029 conveyor are not only fundamentally different from one another, but are essentially contrary to each other in every significant respect.

These fundamental distinctions between the present invention and the Oliver '029 conveyor are further emphasized when it is noted that, as now recited in claims 14 and 24, the roller elements are fixed in place on the underlying table and the rack that supports the load is raised above the underlying supporting table by the cooperating shapes of the roller element and corresponding openings in the rack. In complete and fundamental contrast from the

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present invention, the Oliver '029 conveyor does not employ any form of rack and fixed roller elements or any form of roller elements and rack openings having cooperating shapes to raise the rack. The Oliver '029 conveyor instead uses a complex assembly of horizontally and vertically moveable rollers mounted on moveable drawbars and engaging with inclined surfaces to raise the rollers to form a supporting conveyor surface. It is, therefore, apparent that the present invention, as recited in claims 14 and 24, is completely fundamentally distinct and different from the Oliver '029 conveyor in every aspect of its structure and operation.

The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all rejections of claims 14, 24 and 26 over Oliver '029 under either, or both, 35 U.S.C. § 102 and 35 U.S.C. § 103, and allow claims 14, 24 and 26 as amended herein.

Finally, the Applicant thanks the Examiner for indicating that claims 16-23 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, claim 16 is appropriately revised to be an independent claim which incorporates all of the recitations and limitations of base claim 14 and intervening claim 15 and is now believed to be allowable. As claims 17 - 23 are depend, either directly or indirectly, from allowable base claim 16, the Applicant respectfully requests that claims 17 - 23 are now also allowable.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Oliver '029 reference, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or

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disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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